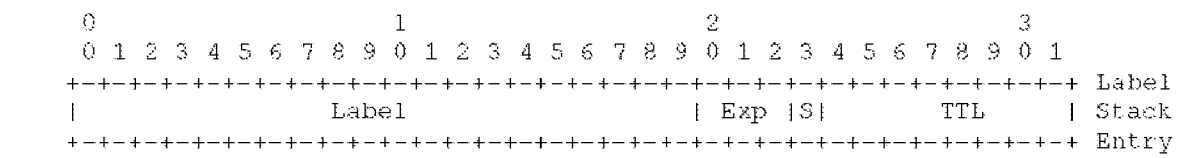
REMARKS

Claims 60-80 were added to the application in the Response to Office Action dated April 16, 2009, and allowed, after an Examiner's Amendment agreed to by Applicant, in the Notice of Allowance dated July 10, 2009. Certain ones of the allowed claims (claims 60, 68, 73) use the abbreviation "MPLS EXP" to refer to the EXP packet field specified by the MPLS standard, but erroneously indicate that abbreviation stands for "Multilabel Protocol Label Switching Exponential" when in fact it stands for "Multi-Protocol Label Switching Experimental Use." This error, which was due to Applicant's mistake, originated when claims 60-80 were added in the Response to Office Action dated April 16, 2009, and was continued in the Examiner's Amendment entered July 10, 2009, but was not discovered until after the issue fee was paid on July 16, 2009, during a review of the allowed claims by the first named inventor (Kha H. Nguyen), who is no longer employed by Applicant.

One of ordinary skill in the art would have recognized this error and that MPLS EXP stands for "Multi-Protocol Label Switching Experimental Use" and not "Multilabel Protocol Label Switching Exponential" in view of RFC 3032 (attached), an MPLS standards document in effect as of the time of filing the subject application, plainly indicating that "MPLS EXP" stands for "Multi-Protocol Label Switching Experimental Use." More specifically, the Abstract of RFC 3032 indicates that "MPLS" stands for "Multi-Protocol Label Switching," and Fig. 1, reproduced below, indicates that the "Exp" field called for by the MPLS standard stands for "Experimental Use."

2.1. Encoding the Label Stack

The label stack is represented as a sequence of "label stack entries". Each label stack entry is represented by 4 octets. This is shown in Figure 1.



Label: Label Value, 20 bits
Exp: Experimental Use, 3 bits
S: Bottom of Stack, 1 bit
TTL: Time to Live, 8 bits

Figure 1

(RFC 3032, Fig. 1, page 2).

The amendments made herein to claims 60, 68, and 75, shown below, correct this obvious error, and therefore should be entered:

"wherein at least one of the one or more QoS fields of the packet are selected from the group ~~comprising~~consisting of a Virtual Local Area Network Priority (VLAN VPRI) field, a ~~Multilabel Protocol~~Multi-Protocol Label Switching ~~Exponent~~Experimental Use (MPLS EXP) field, and an Internet Protocol version 4 Type of Service/version 6 Traffic Class (IPv4ToS/IPv6TC) field." (claim 60).

. "In a packet modification system for receiving packets, previously classified by a packet classification system, from one or more switch-side devices, modifying the packets to facilitate egress thereof from the packet modification system, and transmitting the modified packets to one or more network-side devices, a packet marker for selectively updating any one or more of Virtual Local Area Network Priority (VLAN VPRI), ~~Multilabel Protocol~~Multi-Protocol Label Switching ~~Exponent~~Experimental Use (MPLS EXP), and Internet Protocol version 4 Type of Service/version 6 Traffic Class (IPv4ToS/IPv6TC) quality of service (QoS) fields in such a modified packet, prior to egress thereof from the packet modification system, comprising:" (claim 68).

"wherein at least one of the one or more QoS fields of the packet are selected from the group ~~comprising~~consisting of a Virtual Local Area Network Priority (VLAN VPRI) field, a ~~Multilabel Protocol~~Multi-Protocol Label Switching ~~Exponent~~Experimental Use (MPLS EXP) field, and an Internet Protocol version 4 Type of Service/version 6 Traffic Class (IPv4ToS/IPv6TC) field." (claim 73).

An additional amendment to claims 60 and 75, which is shown above, changes the claim language "selected from the group *comprising*" in these claims to "selected from the group *consisting*" to conform with the Markush style of claiming discussed in MPEP § 803.02, where the Markush format "selected from the group consisting of A, B and C" is interpreted as reciting A, B, and C as alternatives, which is the intended interpretation. To avoid having this language interpreted inconsistently with or differently from this intended interpretation, Applicant respectfully requests that this additional amendment to claims 60 and 75 be entered.

A third amendment to the body of claim 68 and the additional limitation of claim 72, which depends from claim 68, both reproduced below, corrects an antecedent basis problem caused by several terms in the claim body intending to refer back to the term "any one or more of Virtual Local Area Network Priority (VLAN VPRI), Multi-Protocol Label Switching Experimental Use (MPLS EXP), and Internet Protocol version 4 Type of Service/version 6 Traffic Class (IPv4ToS/IPv6TC) quality of service (QoS) fields" appearing in the claim preamble, but incorrectly doing so, thus causing an antecedent basis problem with respect to these references in the claim body of claim 68, and the additional limitation of claim 72:

> "one or more memories for holding (1) a table associating values for the any one or more of ~~the~~ VLAN VPRI, MPLS EXP, and IPv4ToS/IPv6TC QoS fields with an index, (2) values of the any one or more of ~~the~~ VLAN VPRI, MPLS EXP, and IPv4ToS/IPv6TC QoS fields taken from the packet prior to modification thereof by the packet modification system, and (3) one or more egress mark commands; and
>
> a packet marker processor for utilizing a link associated with the packet by the packet classification system to access the one or more egress mark commands stored in the one or more memories, and executing such commands to selectively update the any one or more of ~~the~~ VLAN VPRI, MPLS EXP, and IPv4ToS/IPv6TC QoS fields in the packet;
>
> wherein the packet marker processor, upon executing these commands, individually selects, for each of the any one or more of ~~the~~ VLAN VPRI, MPLS EXP and IPv4ToS/IPv6TC QoS fields, the process used for updating the field from amongst at least the following processes:" (claim 68)

> "where the packet marker processing also selects from the following process when individually selecting the process used for updating each of the any one or more of VLAN VPRI, MPLS EXP, and IPv4ToS/IPv6TC QoS fields of the packet:" (claim 72)

These amendments correct these references in the claim body of claim 68 and the additional limitation of claim 72 so there is clear antecedent basis. Accordingly, this third amendment should be entered.

It is not believed the foregoing amendments disturb the basis for allowability of claims 60-80. Therefore, it is respectfully submitted that the amended claims are allowable.

CONCLUSION

For all the foregoing reasons, Applicant believes that claims 60-80, as amended herein, are allowable, and that the application is now in good and proper condition for allowance. Early notification of allowance is earnestly solicited.

Respectfully submitted,

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